H. R. S. 59]

GPB—15,000—20-12-13

(31)

# GENERAL AND REVENUE SECRETARIAT.

1893-94.

~~191~~ .

Police )

## File No. 202 of 93-94

## Serial Nos. ~~1-6~~ 1-5

## Papers Filed.

*Month* Sep 95

SUBJECT.

roposal by the Inspector General of Police Govt re: appointing Prosecuting Inspectors in each district

P S Seshagiri Rao

| REVIOUS REFERENCES. | LATER REFERENCES. |
|---|---|
| | Commenced |

Dated 20th April 1895.

Police

FILE No. 202 793-

SERIAL No. 1

My dear Sir,

I am desired by the 1st Councillor to enclose for your information in original, memo proposing the appointment of a Prosecuting Inspector for every Sessions division for prosecuting Police cases before the Magistrates and for assisting the Public Prosecutor, and to request that you will be so good as to favor him with your opinion on the proposed measure at your early convenience.

Yours sincerely

(Sd) [illegible]

Encl 1 to 8/1 24

# Memo.

In [illegible] cases
that came up before me I have found
that the accused were either discharged
or acquitted for want of proper evidence
and virtually for want of proper prosecution.
I think it essential in the interests of the
public that a special Prosecuting Inspector
should be appointed for each Sessions
Division to prosecute Police cases before
Magistrates and to assist Public Prosecutors
in the Sessions cases.

Section 495 Cl. 2. of the Cr. Pr. Code
as amended by Act X of 1886 lays down that
'an officer of Police shall not be permitted to
conduct the prosecution, if he has taken part
in the investigation into the offence with
respect to which the accused is being prosecuted'
In spite of the amendment which is based
on the sound principle of making the
prosecution impartial, the practice still
prevails of allowing Police Officers who have
taken part either directly or indirectly
in the investigation to conduct the prosecution

of the cases before Magistrates.

The Legislature anxious to treat the person on trial with all possi fairness has enacted that he shall not be called upon to disclose his defence, befo the Prosecution has made out a case. The provision of law is evaded if not infring by the continuance of the practice abov mentioned. Police officers so conducting prose cutions sometimes prejudice the mind of the ~~Judge~~ Magistrate by handing ove to him the charge-sheet containing th depositions of prosecution witnesses, the defence of the accused, and even the fac of the accused's previous conviction if he happened to be an old offender.

Another matter that calls for ~~early~~ notice is that Police Officers, haven to cope with the ever increasing intelligen of the bar amidst duties of their own enough to engage one's whole attention, spoil the cases in their inception by their inability to prosecute them before Magist in the manner they deserve.

The Legislature, though stri in laying down so many limitations upon

Objects and reasons regarding the Code of Cr. Pr. (V of 1882).
Public Prosecutors.— Power has been given to appoint as public prosecutor, in any case committed to the Sessions Court, a Police officer not below the ranks of Asstt Distt Supt^ds. The entire exclusion of the Police from such a function

function, is, in the opinion of many authorities, inexpedient. With the limitations above described there will be no fear of intimidation of witnesses or undue influence.

upon the influence that may otherwise be brought to bear on the accused by the Police, is yet conscious of the efficacy of allowing men experienced in Police duties to take part in prosecution, as will appear from the marginally quoted extract.

In order to effectually put a stop to the evils of the present system, conformably to the intentions of the Legislature, I am of opinion that persons, honest and thoroughly acquainted with Police duties and possessing a fair knowledge of Law, sufficient to keep them clear of the snares of skilled advocates for the defence, ought to be appointed as Prosecuting Inspectors in every Sessions ~~Circle~~ to conduct prosecutions before magistrates in all important cases and especially in Sessions cases and to help Public Prosecutors in the Sessions cases. I would propose, as a tentative measure, that the appointment of a Prosecuting Inspector be made in the Bangalore Sessions Division; and, after a time we may decide whether similar appointments may not with advantage be made with other

other two Divisions:

5

A. P. Thomas Esq

Bangalore

29 June 96.

A proposal
is apparently
a good one —
a reason
would be Supt
of Police —
cannot be made
departmental
arrangements for conducting
& prosecuting in
all important cases?
Is it necessary for
Govt to appoint one?

Def 3/6/96

Submitted to Dewan
Def

Whether for the addl. Prosg. Insps. proposed.

Memorandum.

b

re Addl. Prosg. Insps. to be employed in Prosecution duty

22-8-95

The Chief Judge proposed the appointment of a Prosecuting Inspector for each Sessions Division of the Province, and as a tentative measure at first for the Bangalore Sessions Division. The Honorable Mr. Chentsal Rao Pantulu agreed with him and suggested the matter be referred to the Inspector General of Police. The latter officer concurred with the Chief Judge and recommended the appointment of a Prosecuting Inspector for each District instead of one for each Sessions Division, as otherwise, in his opinion, the prosecutions could not be made effectual, especially where they have to cope with skilled Advocates for the defence.

2. The First Councillor, from whom as Chief Judge the above proposal had originated, remarked that should the Dewan agree the Inspector Generals' proposition might be approved.

3. The Dewan has directed that the matter be referred to Commit

The correspondence bearing on the subject is accordingly submitted to the Second and Third Councillors.

Legislative Department
Bangalore
1 June 18th
1895.

By order,
V. Nanammagya
General Secretary.

Mysore Gazette

2481/95

inf:

I am sending this paper back & am sending with the other papers when required so long.

Whenever Bangalore Distt Police was first organised there was a Prosecuting Inspector but in recent years he was done away with. Moreover no man who has the H.S. & upper standard can do the duties of a Police Prosecutor work which is, as observed by the Dewan, quite an Officer's. I think he ought to be made to do his duty properly

Comm. 2/6/95

2481/95

Rep. Inspectors are paid & Hd. Cr. Inspectors who are liberally paid. The latter were intended for prosecuting at least all important cases and also to investigate and detect the more heinous crimes. They should be made to do their duty of prosecution before Magistrates & to help Pr. Prosecutors, before the Sessions Courts. Police Asts. generally speaking take a delight like employing time in office work at Hd. Qrs. The old Police Asts. themselves occasionally prosecuted Cases, especially when their Hd. Cr. Inspt. were not on the spot. The present Police Asts. scarcely do the prosecution duty even when they are Hd. Cr. Inspectors of Police Asts. & Hd. Cr. Inspectors are made to do their duty. There is no reason why

15 DEC 95
21 MAY 1895
GOVT OF MYSORE

3

1895

It was decided in a first attempt to [illegible] SECTION Police
for [illegible] FILE NO. 202993
the SERIAL No. 2 - Enclosure
I recommended an Inspector Deputy Dr. If the Government approve we may appoint the Police Inspectors.

23/5/95

The Hd. Qrs Insp is intended to be the prosecuting Inspector for each Dr. If he does not prosecute what else does he do? We want to abolish Asst. Sup. and the Dr. Magr, the Dr, and the Dr. Magr's work has in consequence fallen on the Hd. Qrs Inspectors for prosecution purposes chiefly. Some how they don't do prosecute now: I fear the suggestion is extravagant. But we like the matter to be considered in Council — The papers

*The Inspector General of Police in Mysore.*

To *General*
*The ~~Chief~~ Secretary to the Government of Mysore.*

Dated 15th May 1895
Despatched
Received *Camp Kalasa.*

*Enclosure No.* one file

*General No.* 3653
*No* 318

Submitting extracts from the Police Reports of the Bombay Presidency for 1892 and recommending the appointment of Prosecuting Inspectors for districts.

Recd: 24/5/95

J 21/5 95

To. The 1st Councillor
23/5 With
letter & papers
returned herewith
30/5/95

Secy
21/5

OFFICE OF THE
INSPECTOR GENERAL OF POLICE IN MYSORE.

No. 3653 / 318 Dated, Camp Kalasa 15th May 1895. 21

Enc. one file

FROM

THE INSPECTOR GENERAL OF POLICE
IN MYSORE.

To

General
THE ~~CHIEF~~ SECRETARY TO THE
GOVERNMENT OF MYSORE.

SIR,

With reference to your d.o. dated 20th April 1895 requesting my opinion on the proposed appointment of Prosecuting Inspectors for prosecuting Police cases before Magistrates and for assisting the Public Prosecutor, I have the honor to state that the necessity for such an appointment was felt by me in the very first year of my taking charge of the office of the Inspector General of Police.

2. Reference as per margin has been made to this subject in para 185 of the Police Administration Report for 1892-93. There can hardly be any difference of opinion regarding the desirability of the proposed scheme. It has had a beneficial effect

detection in heinous crimes, chiefly in robbery and dacoity, needs no comment, the results of

effect on crime in all the Provinces of British India where it has been introduced.

3. The accompanying extract from the Police reports of various administrations are forwarded to shew how the scheme has worked in other parts of India.

4. The scheme, however, as proposed in the memorandum is restricted to the appointment of 3 prosecuting Inspectors one for each Sessions division. One Prosecuting Inspector, however, is hardly sufficient to cope with the heavy work of a whole Sessions division.

In the light of the experience gained elsewhere, I would recommend that one Inspector may be appointed for each district. Otherwise I fear the scheme will not very materially help in securing successful prosecutions and thereby operating as

3 Prosecuting Inspectors @ 250+15=3 28.
1½ Shares @ 80+15= 120
6 — do — 70+15= 510
2½ Grade Pay Rupees 678

a check on crime.

5. As regards the pay and allowances of the officers proposed, I would recommend that two grades of Prosecuting Inspectors be constituted with salaries and status corresponding to those of the higher grades of Police Inspectors, 70+15 and 80+15 respectively.

6. The experience of Bombay, as may be seen from the extracts appended, points decidedly to a high scale of pay, higher even than what our Public Prosecutors get, as essential to secure competent men for the work but I have adopted the moderate figure above indicated to suit the scales of pay obtaining in the Police Service in Mysore.

I beg further to remark that with a measure of this kind of whose desirability there is no question, there is no necessity for a preliminary trial and I would therefore recommend that it may be sanctioned as a permanent arrangement.

I have the honor to be,
Sir
Your most obedient Servant

M Madhava Rao
Inspector General of Police

Extract from the Police Reports of the
GOVERNMENT OF INDIA No. 2
Bombay Presidency, for the year 1892

## Court Prosecutors.

These officers were appointed to the
districts during the year. In the Poona
District one Court Prosecutor was
appointed on the 6th January 1892; he
but resigned on the 2nd August 1892; his
successor was appointed on the
11th August 1892 and resigned on the
2nd December 1892. The District Superin-
-tendent of Police reports that both
these officers resigned in consequence
of being dissatisfied with their pay.
He further states that they were of
material benefit to the District, and
he considers that a really competent
officer would be of the greatest
value to the Police.

× × ×

It will be seen from the above that
the pay is not sufficiently remunera-
-tive to attract even moderately
capable men. In General, com-

men were obtainable for a length
of time and of those appointed, two
have resigned, the services of another
dispensed with and another man
is scarcely worth retaining. The
pay is too low to make it worth the
while of any man with ability
or practice to take the appointment.
Very careful enquiries were made in
the first instance before the pay was
settled; it was the unanimous
opinion of all the officers con-
sulted that Rs 100 would not —
attract the right sort of man and
experience has borne this out. Every
officer who has expressed an opinion
however concurs in thinking the
system a good one, and in no case has
anything been shown to lead to any
other conclusion than that, pro-
vided a good man is obtained
much good will result. I would
strongly recommend the pay to
be raised to Rs 150 with travelling
allowance and status as an
Inspector, though there would be
no necessity for grading these
officers at present at all events.

I retain my opinion that one of 6
this class of officer is necessary for
the efficiency of each district.

Extract from the Police Administration Report of the Central Provinces for the year 1892.

34. The prosecution in Court of Criminal cases of any gravity by a Competent Police officer is a matter of considerable importance, and I am not satisfied that all district Superintendents fully realize this, though there are some who lay much stress upon it. The Superintendent of the Nagpur District Police, Mr Higgins, prominently brought this matter to notice during the year, and arrangements have now been made in each district for the appointment of a Court Inspector who will appear for the prosecutions of Police cases in future. Better results are therefore anticipated during the current year, especially in those districts in which it seems to have become

T.o

the fashion for nearly every accused person to be represented by one or more pleaders. . . . .

Extract from the Police Administration Report of the Central Provinces for the year 1893.

39. Allusion is made in paragraph 34 of the Police Administration Report for 1892 to the appointment of Court Inspector, which was created during the last year. Arrangements for the nomination of these officers were made on different dates in the different districts — according as their services became available, so that the measure has not been in force throughout the whole year. There can be no question as to the advantage of having cases properly represented in the Magistrates' Courts by an officer (specially appointed) to supervise their prosecution, and

there

GOVERNMENT OF MYSORE.

there is a general consensus of opinion that this is a move in the right direction and that much benefit will result from it. The officers selected have generally shown aptitude and intelligence in the discharge of these new duties, and most of the Deputy Commissioners who have referred to the subject in their remarks on the district Superintendents' reports testify to this. As these Court Inspectors gain more experience in their work the benefit of employing them will become more apparent.

Extract from the Police Administration report of the Lower Provinces of the Bengal Presidency for the year 1892 . . . . . .

166. A scheme for utilizing Court Sub-Inspectors relieved from their duties as public prosecutors in Magistrates' Courts was tried in six selected districts, and

was found so satisfactory that Government has [illegible] permitted its extension to all Dist...

Extracts"

M. Jagadheesa Rao

Inspector General of Police.

Gen. 30.]

From

The Inspector General of Police
in Mysore.

OFFICE OF THE
DEWAN OF MYSORE.
13. AUG. 1895
1895 125-3
£20

To

The ~~Chief~~ General Secretary to the
Government of Mysore.

CTION Police

E No. 202 of 93

'AL No. 3

Dated 10

Despatched 12 August 1895.

Received

Enclosure No. one

General No. 613
No. 46

In forwarding copy of judgment in criminal case no 16 of 1894-95 on the file of the Extra Assistant Commissioner and 1st class Magistrate, Kadur District brings to notice the necessity for the appointment of Prosecuting Inspectors proposals for which are pending sanction of Government.

Submitted for kind perusal.
22/8/95

J 13/8/95

10

OFFICE OF THE
INSPECTOR GENERAL OF POLICE IN MYSORE.

No. 673 / 46 Dated Bangalore 10/12 August 1895.

ENC. one

FROM

THE INSPECTOR GENERAL OF POLICE
IN MYSORE.

To

THE ~~CHIEF~~ General SECRETARY TO THE
GOVERNMENT OF MYSORE.

In forwarding herewith Copy of Judgment in Criminal Case No. 16 of 1894-95 on the file of the Extra Assistant Commissioner and 1st class Magistrate, Kadur District, I have the honor to report as follows:—

In the month of May 1894 a theft occurred in the house of one Rudrappa Setty of Mavinkere, Chickmagalur, during the celebration of a marriage, in which jewels &c. valued at Rs. 430/- were stolen. The complainant suspected one Lama Putta who absconded from the place. At the request of the complainant, the Police Assistant Superintendent, Kadur District, deputed Reserve Jemedar Narana Ayer in search of the suspected person whose native place was a village in the Alur Sub-Taluk, Hassan District. When they came near the village, they received information that there lived in that village a known receiver of stolen property by name Rudra Setty. So the Jemedar sent for a Police Officer from the Palya station and proceeded to the house of the said Rudra Setty where not finding him, they waited in front of his house. After a few minutes, he came and when questioned by the Jemedar whether Lama Putta had kept any jewels with him, he replied that he had pawned a silver plate with him for Rs. 40/- and produced the same before the Jemedar in presence of Punchayetdars. A Mahazar was then drawn up. The Jemedar then took down the statement of the

accused

accused Sanna Putta, returned to Chickmagalur and charged him with the
under section 380 I. P. C. and placed him before the Amildar and 2nd Class
Magistrate in the middle of January 1895. Rudra Setty was examined as a witness
in the case but he denied all knowledge of the silver plate and stated that
the same was never in his possession, that he did not produce it before the
Jamedar and that he was forced to sign the Mahazar. The Amildar discharged
the accused Sanna Putta and remarked that Rudra Setty had given false
evidence and that he was willing to grant sanction to prosecute him for perju
under section 195 C. P. C.

The Police Jamedar applied for sanction to prosecute Rudra Setty for perjur
which was accordingly given on the 7th June 1895. In this case, the Extra
Assistant Commissioner and 1st Class Magistrate remarked as follows:—

"In this case no responsible officer of the Police appeared before the Court
"to Conduct the prosecution. Everything was left to the Jamedar (1st witness)
"who figured as Chief witness in the case. × × × × ×
"The worst feature in the case is that 2nd and 4th witnesses for the prosecution
"(Veeraiya and Rudrappa) are Government servants, the former, the Police Pate
"of Mudinaikanhallipura of the Alur Sub-Taluk and the latter a Police Constable
"of the same Taluk. These deliberately swear that they took part in the frami
"of a false Mahazar. The 2nd witness is the actual writer. × × ×
"Unfortunately no one seems to have appeared to prosecute that case also. James
"Narayana Iyer had to be a witness as well as Prosecuting officer".

2. On receipt of this Judgment from the Magistrate, I have asked the
Deputy Commissioner, Kadur, why no steps were taken to depute an independent
Police officer to study and conduct the case as remarked by the Magistrate
in paras 7 and 8 of the Judgment.

3. The Deputy Commissioner, Hassan, has also been requested to take
due notice of the Conduct of the Patel of the Mudinaikanhallipura and of the
Police Constable, 2nd and 4th witnesses for the prosecution, who deliberately
swore that they took part in the Framing of a false Mahazar as remarked
by the Magistrate in para 7 of the Judgment.

I have deemed it right to bring the matter to the notice of Government as it illustrates the necessity for the appointment of Prosecuting Inspectors, proposals for which were sent up with my letter No. 3653/318 of the 15th May 1895 and are pending the orders of Government.

I have the honor to be,
Sir,
Your most obedient Servant,

V Ramchandra Rao
Inspector General
of Police

In the Court of the Extra Assistant Commissioner and ~~Joint~~ Magistrate of 1st Class ~~Magistrate~~, Kadur District. ~~167~~

Dated Chickmagalur this 15th day of July 1895

Present:- B. Ramaswamy Iyengar Esqre

~~First~~ Class Magistrate.

Criminal Case No. 16 of 1894-95.

Complainant ~~Government~~ Accused.

~~Government~~ V/s Rudra Shetty.

Order.

The Complaint in the case is that the accused gave false evidence before the Amildars Magistrate of Chickmagalur, in Criminal Case No. 113 of 1894-95 on his file with respect to a Silver plate produced by him before the Police Jemedar (1st witness for Prosecution) in connection with a case of theft and thereby committed an offence punishable under section 193 Clause 1st of the I.P.C.

The Prosecution was at the instance of Police ~~Mr~~ Hariyappa, Pleader appeared for the accused.

2. The witnesses examined for the Prosecution were:- 1. Jemedar Naraniah. 2. Jeeriah. 3 Timmappa. 4. Rudrappa. 5. Basavagowda and 6. Rudrappa Shetty; and the exhibits filed were:-

A. Mahazar dated 16th August 1894.

B. Accused's statement before Reserve Jemedar dated 16-8-94.

C. Accused's statement before the Amildar Magistrate dated 15-3-95.

D. Order dated 15th March 1895 of the Amildar Magistrate in Criminal Case No. 113 of 1894-95.

E. Copy of order in this Case No. 121 of 1894-95 dated 7th June 1895 sanctioning the Prosecution of the accused.

The accused was not charged.

No plea recorded.

The accused stated as follows:-

It is untrue that I produced the silver plate before the Jemedar (1st witness for Prosecution). It was not pledged with me by any one. On the day the Police visited our village, I was absent at the Alur Sante and returned home at about 3 P. M, when I observed that the 1st witness and others were seated in front of my house with a silver plate. The Prosecution 1st & 2nd witnesses asked me if I was Rudra Shetty. I replied in the affirmative. They did not allow me to go in but made me sit outside the house. They had something written and Jemedar, the 1st witness, asked me to sign it. I protested against signing as I did not know its contents. The Jemedar rebuked me and insisted on my signing the same. Since Channabasaviah and others pressed me to sign it, I did so. I have shewn the signature below the Mahazar Ex. A. I cannot affirm as to whether the signature is mine or not. Mavinkere Chanbasiah asked me to trade with him in partnership. I refused. Consequently, he has instigated this case against me. I did not swear falsely.

6. In the month of May 1894 when a marriage was celebrated at Mavinkere of the Chickmagalur Taluk, in the house of Rudrappa Setty (6th witness for the Prosecution) a deft of Jewellery &c valued Rs. 430/- was committed. Complaint was lodged before the Police. The 6th witness for the Prosecution suspected one, Sanna Putta. He had information to say that Sanna Putta had taken some gold and silver jewels towards Manjarabad and other places. The 6th witness requested the Assistant Superintendent of Police to send a Police officer with him to the Hassan District to detect the articles stolen from his house. Accordingly the Assistant Superintendent deputed Reserve Jemedar Narayaniyer (1st witness for the Prosecution) to proceed with the 6th witness and detect the case. The party set out first towards Hassan and when they came near the accused's village which is in the Alur Sub-Taluk they had information that the accused Rudra Shetty in this case was a receiver of stolen property. So the 1st witness sent for a Police officer from the nearest station (Palya) and went into the accused's village. The accused was not present at home. The 1st witness (Jemedar) and others waited in front of his house. The accused arrived a few minutes afterwards. He was questioned by the

Jemedar whether Sanna Putta (accused in the theft case) had kept any jewe
it him. The accused Rudrasketty replied that the man had pawned a
silver plate with him for Rs 40/- and at once brought the same out of he
ouse and produced it before the Jemedar (1st witness). By that time, the
Jemedar had collected village Potail and Panchayet. A Police Constable
from the Balya station (4th witness for the Prosecution) had joined him. The
Jemedar got the Mahazar A written for the surrender of the silver pla
which was identified by the 6th witness for the Prosecution as ones of the thin
stolen from his house. The Potail of the village Jeeraiya (2nd witness for
the Prosecution) wrote the Mahazar. The Jemedar further took down
a statement from the accused (exhibit B). After this the Jemedar with
permission of the Deputy Amildar of the Kalur Sub-Taluk, returned t
Chickmagalur with the silver plate, Mahazar &c. Sanna Putta w
charged with theft under section 380 I.P.C. and placed for trial before th
Amildar and 2nd class Magistrate of Chickmagalur. This was in the middl
of January 1895. The present accused Rudra Shetty was examined as a
witness in the theft case (No. 113 of 1894-95) wherein he denied all
knowledge of the silver plate, that the same was never in his house, that
he did not produce it before the Jemedar (1st witness) and that he wa
forced to sign the Mahazar marked A. (vide evidence marked as Ex
This was recorded on the 15th March 1895, on the same day the Magistrate
discharged the accused Sanna Putta, but remarked that Rudra Shetty
had given false evidence before him and that if the Police were prepared
with sufficient evidence to urge a Prosecution, he was very willing to gra
the necessary sanction under section 195 C.P.C. Subsequently the 1st witn
for the Prosecution did apply for sanction to prosecute Rudra Shetty for
perjury which was granted on the 7th June 1895 (vide exhibit marked
Xerox the case against the accused.

x Dated 16th August 1894.

7. In this case no responsible officer of the Police appeared before
the court to conduct the Prosecution. Every thing was left to the Jemedar
(1st witness) who figured as Chief witness in the case. Including him,
16 witnesses were examined. The 3rd witness is the Magisterial clerk,
of the Amildar Magistrate's Court, who was present when the accused gave

is evidence before the Amildar Magistrate. The 2d, 4th & 5th witnesses are respectively the writer and attesting witnesses of the Mahazar A. The 6th witness was the complainant in the original theft case. He was also present when the exhibit A was drawn up. The 1st & 6th witnesses are the only persons who support prosecution in this case. The other witnesses (2nd, 4th & 5th) have sided with the accused. They turn the table the Jemedar (1st witness) and state that the silver plate was not all produced by the accused; that he was absent from home when the Police arrived; that one Mr. Chimbassaya was the chief actor in the tragedy, that as soon as he went to the deceased's house, the latters wife cried out that some one had thrown a silver plate into her Kaanige (wade), that the same was brought out and Mahazar A was recorded, that the Patail (2nd witness for the Prosecution) wrote the Mahazar as dictated by the Jemedar (1st witness); and that the accused arrived afterwards and his signature was also taken to the Mahazar. Thus the whole case for the prosecution is blasted by the evidences of these independant witnesses. The next feature in the case is that 2nd and 4th witnesses for the prosecution (Jeeraiya and Rudrappa) are Government Servants, the former, the Police Patail of Chudinaickanhallipura of the Alur Taluk and the latter a Police Constable of the same Taluk. These deliberately swear that they took part in the framing of a false Mahazar. The 2nd witness is the actual writer. He states that events did not transpire as recorded in the Mahazar and that he and others were prevailed upon by Chanbasiah to sign the Mahazar and that they all did so through fear of the Jemedar (who had come from a neighbouring District). Whatever may be the virtue or vice of the Police Jemedar in connection with the Mahazar affair, the 2nd & 4th witnesses are clearly guilty of gross misconduct. They have, by their admissions, either abetted the offence of framing a false record, or deliberately uttered falsehood before this Court.

8. It may be here mentioned that before applying for sanction to prosecute the accused, the Police would have done better

find out whether there was good and sufficient evidence against the accused, or the officer who conducted Prosecution in the theft case might have moved the Magistrate to examine all the Panchayatdars of the Mahazar A including the witnesses examined in this case. Unfortunately no one seems to have appeared to prosecute that case also. Jamedar Narayan had to be a witness as well as Prosecuting officer.

9. For all the foregoing reasons the case of perjury against the accused fails. Hence his discharge will be ordered.

Order.

The Magistrate having taken the evidence for the Prosecution and examined the accused person and finding that no case has been made out against the accused, directs that under the Provisions of Section 253 C.P. the accused Rudra shetty be discharged.

Signed/ B. Ramasawmy
1st Class Magistrate

"Copy"

Signed/ B. Ramasawmy.
1st Class Magistrate.

---

"Copy"

Inspector General
of Police.

No: 3406 / 383 29-9-95

Bangalore.

30 Aug. 1895

SECTION Police

FILE No. 202793

SERIAL No. 4

Read

Letter No 3653 / 318 dt 15 May 1895 from the D. S. P. Kolar, recommending the appt of Prosecuting Inspectors for each District.

Order.

The proposal to appoint Special Public Prosecutors is considered unnecessary at present.

Lush

6.9.95

The Govt consider that the proposed measure is unnecessary. The work of prosecuting cases in the more serious Magisters' Courts should be conducted as a rule by the Head Quarter Inspectors, and should be taken up occasionally in important and grave cases also by the Supts of Police. The former were appointed chiefly for this duty, which the Govt observe with regret has been much neglected of late. The Head Quarter Inspectors should not be allowed to degenerate into Office Managers, but should be employed as above not only in conducting prosecutions but also on detective duty in grave and important cases.

Lush

30.8.95

To, The D. S. Police in Mysore.

I think the Safest plan in
such cases is adhere to the
wording of the Resolution —
We enter into no arguments
but merely Say
Cite the Resolution as an order
Order &c — 5/9/19
After giving them full
Consideration to the Subject
the Govt ~~are of opinion~~
Resolve that

Drafted accy
6/9 WGM

Seen
WM
6/9

Let me see
a copy
Counsel's Opinion
WM
30/9

Submitted herewith for consideration
Hilton
as per
the Draft
I have
my letter
enclosed
as per
Hilton
WM
1/

No: 1/9405 of 16-9-95

Read. 6

Letter No 613/46 of 12: Aug. 1895 from the Insp. Genl of Police in Mysore forwarding in continuation of his letter No 3653/318 of 15: May 1895 a copy of judgment in Criminal Case No 16 of 1894-95 showing the necessity of appointing prosecuting Inspectors.

Order thereon.

~~It is decided that~~ with the D. G. of Police ~~the matter~~, has been disposed of in Govt Prov. No 3406/9383 of 9-9-95.

Mysore 14/9/95
Govt. Secretary.

To The Insp. Genl of Police in Mysore.

SECTION Police

FILE No. 202 of 95

SERIAL No 5